



Crl.O.P.No.4403 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4403 of 2023

and

Crl.M.P.No.2783 of 2023

S.Suresh Babu

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

2.M/s.Uthra Impex Pvt. Ltd.,
Rep. by its Branch Manager,
A.Murugesan,
No.8A, Ravan Kamala Complex,
Trichy Road,
Opp. Golden Palace,
Namakkal – 637 002.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to call for the records relating to the impugned in Crime No.15 of 2022 on the file of the 1st respondent, quash the same by allowing this Criminal Original Petition.



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For Petitioner : Mr.N.Manoharan
For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.15 of 2022 on the file of the first respondent police.

2.The learned counsel for the petitioner submitted that the case in Crime No.15 of 2022 for the offences punishable under Section 420 IPC was registered by the first respondent police against the petitioner. The petitioner was working as an Assistant Manager in M/s.Uthra Impex Pvt. Ltd. He was not authorized to collect money from the customers. Therefore, the allegation made against him that, he collected a sum of Rs.7,91,950/- from the customers of M/s.Uthra Impex Pvt. Ltd. and misappropriated the same, is not true. Therefore, the present petition is filed by the petitioner before this Court.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that, complaint allegations make out



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offences against the petitioner. Investigation in this case is pending for the reason that the accused is not co-operating with the investigation by absconding. The complaint allegations have been supported by the statement of the witness, one Michaelsamy. Thus, he prayed for dismissal of this petition.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the first respondent police and perused the materials available on record.

5.A reading of the FIR allegations shows that, the petitioner was appointed as an Assistant Manager at Palladam Branch of M/s.Uthra Impex Pvt. Ltd. While he was working as an Assistant Manager for the period from 18.06.2018 to 05.09.2018, he stated to have collected a sum of Rs.7,91,950/- (Rupees Seven Lakhs Ninety One Thousand Nine Hundred and Fifty only) from various customers. Without depositing these amounts with the bank, he had misappropriated the amount to himself. When he was enquired, he admitted misappropriating the



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amount and undertook to repay the amount within a period of one month.

However, he did not pay the amount. Therefore, complaint dated 22.11.2019 was given to the Inspector of Police, Palladam Police Station.

Since no action was taken, complaint dated 23.11.2019 was sent to the Superintendent of Police, Tiruppur. Even, thereafter, no action was taken, thereafter, the present complaint was given under Section 156(3) of Cr.P.C. and FIR came to be registered in Crime No.15 of 2022.

6.Narration of the complaint allegations clearly shows that the petitioner while he was working as an Assistant Manager in M/s.Uthra Impex Pvt. Ltd. had collected a sum of Rs.7,91,950/- from its customers and without depositing these amounts with the bank, he misappropriated the amount to himself. It is seen that he is not co-operating by remaining absconding. Thus, this Court is of the view that the FIR allegations make out commission of cognizable offences by the petitioner and it requires to be thoroughly investigated and final report is to be filed by the first respondent police. There is no merits in the present petition seeking quashment of the FIR in Crime No.15 of 2022 on the file of the first respondent police.



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7. Therefore, this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case : Yes \ No

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To

1. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

sp

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